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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 SANFORD TUCKER, individually, and as
9 Special Administrator of the Estate of KEITH
10 TUCKER; SANFORD TUCKER, as Guardian
11 ad Litem of FRANS KAI MAAN TUCKER, a
12 minor,

13 Plaintiffs,

14 v.

15 LAS VEGAS METROPOLITAN POLICE
16 DEPARTMENT; OFFICER PATRICK
17 DENNY, in his individual and official capacity;
18 OFFICER MARK HUTCHINSON, in his
19 individual and official capacity; SHERIFF
20 BILL YOUNG, individually and in his official
21 capacity; DOES I through X, DOES XI through
22 XX; and ROE CORPORATIONS XXI through
23 XXX, inclusive,

24 Defendants.

2:05-cv-01216-LDG-RJJ

ORDER

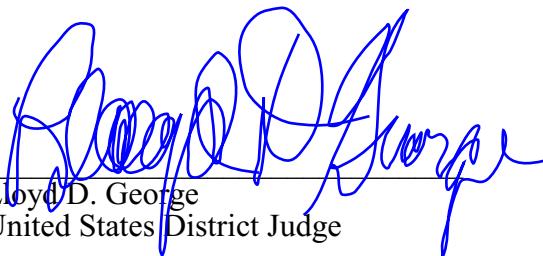
20 Defendants have filed a motion in limine re: subsequently enacted policy changes (#155,
21 opposition #173). Judges have broad discretion when ruling on motions in limine, see, e.g.,
22 Jenkins v. Chrysler Motors Corp., 316 F.3d 663, 664 (7th Cir. 2002), and a district court's ruling
23 on a motion in limine is subject to change, particularly in light of developing trial considerations.
24 See Luce v United States, 469 U.S. 38, 41-42 (1984).

25 There appear to be factual issues dealing with the extent to which the subsequently enacted
26 policy changes are developments on the policies and positions that existed at the time of the event

1 in question, as opposed to policy changes of a remedial nature subject to Fed. R. Evid. 407.
2 Moreover, the court apprises the parties that they will be called upon to report before trial whether a
3 potential conflict of interest exists in the representation of Sheriff Young, the policy maker and
4 individual responsible for the training and supervision of the defendant police officers, and the
5 representation of the officers, who allegedly failed to carry out the policies, by the same law firm.

6 THE COURT HEREBY ORDERS that defendants' motion in limine re: subsequently
7 enacted policy changes (#155) is DENIED without prejudice to the reintroduction of the issue
8 during trial.

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10 DATED this 31 day of October, 2012.

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Lloyd D. George
United States District Judge

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